



Columbia County Planning Commission
Proposed Agenda for February 4, 2016 at 6:00 P.M.
Evans Government Center Auditorium
Evans, Georgia

Planning Commissioners:

Countywide - Jim Cox

District 1 – Chris Noah

Vice-Chairman – Donald Skinner

District 3 – Richard Henderson, Sr.

District 4 – Dewey Galeas

- A. CALL TO ORDER..... Chairman Cox
- B. INVOCATION Chairman Cox
- C. PLEDGE OF ALLEGIANCE..... Chairman Cox
- D. ROLL CALL / QUORUM Chairman Cox
- E. APPROVAL OF THE MINUTES OF PREVIOUS MEETING Chairman Cox
 - 1. January 21, 2016
- F. APPROVAL OF THE AGENDA Chairman Cox
- G. PRESENTATION..... Chairman Cox
- H. DEBATE AGENDA Chairman Cox
 - 1. Unfinished Business Chairman Cox
 - a. Rezoning
 - 1. None
 - b. Variance
 - 1. None
 - 2. New Business Chairman Cox
 - a. Conceptual Plan
 - 1. None
 - b. Preliminary Plat
 - 1. **Blackstone Phase II** located off of Point Comfort Road, zoned R-2 (Single Family Residential), 16 lots, 12.88 +/- acres, Tax Map 082 Parcel 026K, *Commission District 1. Staff Assignment Nayna Mistry.*
 - c. Final Plat
 - 1. **Kelarie, Section 1B** located off of Kelarie Way, zoned PUD (Planned Unit Development), 28 lots, 13.22 +/- acres, Tax Map 051 Parcel 003N, *Commission District 3. Staff Assignment Nayna Mistry.*
 - d. Rezoning
 - 1. **RZ16-02-01, (Public Hearing)**, Rezone from C-C (Community Commercial District) to C-2 (General Commercial), with a *Conditional Use for an Indoor Entertainment Facility*, Tax Map 078 Parcel 146A, 6.91+/- acres, located at 4099 Old Petersburg Road. *Commission District 1. Staff Assignment, Will Butler.*

- e. Plan Revision
 - 1. None
- f. Variance / Variation
 - 1. **VA16-02-02, (Public Hearing)**, Variance to Section 90-140 *Landscaping*, Tax Map 078 Parcel 146A, 6.91+/- acres, located at 4099 Old Petersburg Road. *Commission District 1. Staff Assignment, Will Butler.*
 - 2. **VA16-02-01, (Public Hearing)**, Variance to Section 90-135 *Signs*, Tax Map 072 Parcel 231C, 4.179+/- acres, located at 743 North Belair Road. *Commission District 1. Staff Assignment, Danielle Bolte.*
 - 3. **VA16-02-03, (Public Hearing)**, Variance to Sections 90-53 *List of Lot and Structure Requirements*, and 90-131(5) *Street Access Control*, 0.75+/- acres, located at 165 Watervale Road. *Commission District 1. Staff Assignment, Danielle Bolte.*
- g. Items Added (which need immediate action or have not gone before Committee)
 - 1. **Temporary Use Permit (TUP)**, Tax Map 059 Parcels 257 and 271, .34 +/- acres, located at 5715 Whispering Pines Way. *Staff Assignment, Danielle Bolte*

I. LEGAL MATTERS..... County Attorney Driver
 1. None

J. STAFF AND COMMISSIONER COMMENTS Chairman Cox

K. PUBLIC COMMENTS AND PARTICIPATION Chairman Cox

The next scheduled Planning Commission meeting is February 18, 2016 at 6:00 P.M. in the Auditorium of Building A at the Evans Government Center.



February 4, 2016

PRELIMINARY PLAT

BLACKSTONE PHASE II

Property Information

Subdivision Name	Blackstone Phase II
Location/address	Off Point Comfort Road
Tax Map / Parcel	Tax Map 082 Parcel 026K
Total Acreage	12.88 acres
Number of lots/units	16 lots
Zoning	R-2 (Single Family Residential)
Engineer	Civil Design Solutions
Commission District	District 1 (Duncan)
Recommendation	Approval with Conditions

Summary and Recommendation

CSRA Blackstone, LLC, seeks preliminary plat approval for phase II of the Blackstone subdivision, located off Point Comfort Road. The property is zoned R-2 (Single Family Residential). The proposed subdivision is 16 lots on approximately 12.88 acres.

The R-2 zoning was approved for this property in 2011 (RZ11-10-03) with a subsequent revision to the zoning conditions in 2013 (RZ13-11-02).

The average lot size in this section is 28,960 square feet, including the open space parcel, with an average residential lot size of 14,138 square feet and a minimum lot size of 10,869.5 square feet. Setbacks for this section are 55 feet from the centerline and 10 feet from the side and rear property lines. Sidewalks are required and are proposed on both sides of the road.

The radial lots surrounding the cul-de-sac have a narrower frontage than can be approved by the Planning Commission without recommendation from the County engineer. The layout has been reviewed by the engineer and is acceptable.

The conceptual plan for this phase was approved at the November 19, 2015 Planning Commission meeting. The submitted preliminary plat appears to substantially comply with the approved conceptual plan.

Staff recommends **approval with conditions**.

Conditions

No construction, including site work, shall take place until environmental permitting is complete.



FINAL PLAT

KELARIE SECTION IB

Property Information

Subdivision Name	Kelarie Section IB
Location/address	Off Kelarie Way
Tax Map / Parcel	Tax Map 051 Parcel 003N
Total Acreage	13.22 acres
Number of lots/units	28
Zoning	PUD (Planned Unit Development)
Surveyor	Cranston Engineering Group
Commission District	District 3 (Richardson)
Recommendation	Approval

Summary and Recommendation

Coel Development Company, LLC, seeks final plat approval for 28 residential lots on 13.22 acres located off Kelarie Way. The property is zoned PUD (Planned Unit Development). The Board of Commissioners approved the PUD zoning in March of 2014. The preliminary plat was approved on August 7, 2014.

The average residential lot size is 10,174 square-feet with a minimum lot size of 8090 square-feet. The lots will have a 20-foot front setback from the right of way. Each lot will have 5-foot side setbacks and 10-foot rear setbacks.

Sidewalks are proposed on both sides of the internal streets; the developer will be responsible for installing all sidewalks around open space areas prior to the bond being released for this project. An additional sidewalk is to be constructed along one side of Kelarie Way. 3.74 acres of open space are provided in this section of the development.

The submitted final plat appears to substantially comply with the approved preliminary plat.

Staff recommends **approval**.



REZONING

February 4, 2016

FILE : RZ16-02-01

C-C to C-2 w/ CU

Property Information	
Tax Map/Parcel ID	078 146A
Address/Location	4099 Old Petersburg Road
Acreage (+/-)	6.91 +/-
Current Zoning	C-C (Community Commercial)
Existing Use	Shopping Center
Request	C-2 (General Commercial) with Conditional Use for Indoor Entertainment Facilities
Commission District	District 1 (Duncan)
Recommendation	Approval with Conditions

Summary and Recommendation

Owner The Shoppes at Petersburg I and applicant Darren Fielding request the rezoning of one parcel, Tax Map 078 Parcel 146A, 6.91 +/- acres located at 4099 Old Petersburg Road, from C-C (Community Commercial) to C-2 (General Commercial) with a Conditional Use for Indoor Entertainment Facilities.

The parcel is located between Blue Ridge Drive and Old Petersburg Road where they intersect with Old Evans Road. Two sides of this property will front on the Riverwatch Parkway extension when it is complete. Surrounding properties are zoned C-1 (Neighborhood Commercial), A-R (Apartment Residential) and R-2 and R-3 (Single Family Residential). This parcel lies just outside the Evans Town Center Overlay District.

This property was originally zoned C-1 (Neighborhood Commercial) in 1973 (RZ73-07-01A) and was subsequently rezoned to C-C (Community Commercial) in 2000 (RZ00-06-02) to allow larger wall signs for the tenants in the shopping center. There are current tenants in the three smaller units; the applicant is proposing to reuse the vacant anchor unit for a family entertainment center to include arcade games, bumper cars, obstacle courses, and other similar indoor attractions along with a full service restaurant. The owner has requested that a condition be applied that would cause the zoning to revert back to C-C if the applicant fails to open the proposed business.

Although the current commercial zonings in this area are generally lower intensity C-1 (Neighborhood Commercial) zonings, the development of the Riverwatch Parkway extension will change the character of this area, making more intense commercial use appropriate at this intersection. Additionally the concentration of denser residential uses including townhomes and apartments and the provision of sidewalks along the new road make this location suitable for the proposed use.



REZONING

February 4, 2016

FILE : RZ16-02-01

C-C to C-2 w/ CU

Staff recommends **approval with condition** of the request to rezone one parcel, Tax Map 078 Parcel 146A, 6.91 +/- acres located at 4099 Old Petersburg Road, from C-C (Community Commercial) to C-2 (General Commercial) with a Conditional Use for Indoor Entertainment Facilities.

Interdepartmental Review

A copy of this staff report, including a list of all recommended zoning conditions, is sent to the applicant and owner of the property in question prior to the public hearing.

Conditions:

Planning:

The wooden privacy fence along adjacent multi-family property shall be repaired as needed.

Comments:

Building Standards:

Environmental:

Health Department:

Fire Marshal:

Changing from mercantile to assembly requires a new certificate occupancy and compliance with current applicable codes for new construction.

Sheriff:

Development in this area will increase vehicular traffic. Traffic Patrols will be needed to monitor increased traffic flow and safety conditions.

Stormwater Management:

1. If the site improvements will disturb more than one acre, the proper NPDES permit and associated fees must be submitted to the Georgia Environmental Protection Division (EPD) and Columbia County 14 days prior to land disturbance.
2. Stormwater detention will be required unless site improvements result in no net increase in runoff.
3. Stormwater quality will be required if the impervious area is increase by 5,000 sq. ft. or greater.

Water and Sewer:

The existing building is connected to the County water and sewer system.

Criteria for Evaluation of Rezoning Proposal

1. **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Surrounding properties are residential to the north, multifamily and commercial to the east, residential and commercial to the south, and residential, institutional, and multifamily to the west. Additionally, the extension of Riverwatch Parkway makes a more intense use suitable for this area. The proposed zoning is suitable for the surrounding uses.

2. **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.**

The zoning proposal will not adversely impact the use of surrounding properties.

3. **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

The property does have a reasonable economic use as currently zoned.

4. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

The proposal will not excessively burden existing streets, facilities, utilities, or schools.

5. **If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan.**

The future land use plan is currently under revision. According to the proposed, but not yet adopted Vision 2035 Growth Management Plan, this property is in a proposed Neighborhoods character area, but is in close proximity to the proposed Evans Town Center Activity Center.

6. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**

The extension and widening of Riverwatch Parkway has the potential to bring increased commercial pressure to the area. This parcel, with its location at the intersection of a collector (Blue Ridge Drive) and arterial (Riverwatch Parkway), is appropriate for a more intense commercial use.

7. **Whether the proposal reflects a reasonable balance between the promotion of health, safety, and welfare against the right to unrestricted use of property.**

The proposal meets this test.



VARIANCE

FILE: VA16-02-02

Variance

Property Information	
Tax Map/Parcel ID	Tax Map 078 Parcel 146A
Address/Location	4099 Old Petersburg Road
Acreage (+/-)	6.91 +/- acres
Current Zoning	C-C (Community Commercial)
Existing Use	Shopping Center
Request	Variances to Section 90-140 <i>Landscaping</i>
Commission District	District 1 (Duncan)
Recommendation	Approval with Conditions

Executive Summary:

Owner The Shoppes at Petersburg I and applicant Darren Fielding request a variance from Section 90-140 *Landscaping* for a 6.91 +/- acre parcel (Tax Map 078 Parcel 146A) located at 4099 Old Petersburg Road to waive requirements for replacement landscape strips and additional parking lot landscaping condition.

The property is located between Old Petersburg Road and Blue Ridge Drive at their intersection with Old Evans Road. This property has been impacted by the construction work for the extension of Riverwatch Parkway; when construction is complete, three sides of this property will have road frontage, two on the new section of Riverwatch and a third frontage on Blue Ridge Drive. Surrounding properties are zoned A-R (Apartment Residential), C-1 (Neighborhood Commercial), and R-2 and R-3 (Single Family Residential). The property lies just outside the Evans Town Center Overlay District.

The applicants are requesting to rezone this property as part of application RZ16-02-01, which would ordinarily require that the site be brought into compliance with all sections of the County code. The site formerly had a landscape strip along Old Petersburg Road, which has been removed during the construction of the Riverwatch Parkway extension. The rerouting of the road also creates a new road frontage for this property on its west side where it will now abut Riverwatch Parkway. This frontage had a vegetated buffer between the subject parcel and the adjacent property which has since been removed during road construction. Similarly, the bushes that were installed along Blue Ridge Drive have been removed during construction work. This leaves all three frontages of the property non-compliant with landscape strip requirements. Since the property has 194 parking spaces between the existing building and Old Petersburg Road, the required landscape strip along this section of the property would be 25 feet. The other two frontages would require the standard ten foot landscape strip.



VARIANCE

February 4, 2016

FILE: VA16-02-02

Variance

Additionally, the interior parking lot landscaping does not meet County code, which requires one tree for every 12 parking spaces; based on a 2015 aerial of the site, there are currently 11 trees in the parking lot, approximately half of the number required for the 261 parking spaces provided. Four landscaped islands would also be required at the end of the parking bays nearest to the existing building in addition to three more in the interior of the parking lot with the current parking layout.

The applicant is preparing to lease one section of the existing shopping center and is planning only interior renovations. Since no site work is being conducted with the rezoning, the applicants are requesting variances to the landscaping requirements.

The overarching issue with this request is that the extension of Riverwatch Parkway necessitates many changes to the existing site (underground detention and revised parking are two examples) that are out of the control of the applicant. These changes will happen, but they are not within a reasonable timeframe that the applicant desires. Because of these extenuating circumstances, staff is comfortable with postponing the required landscaping improvements, as laid out in the conditions, to a later date.

Staff recommends **approval with conditions** of the request for a variance from Section 90-140 *Landscaping* for a 6.91 +/- acre parcel (Tax Map 078 Parcel 146A) located at 4099 Old Petersburg Road.

Interdepartmental Review

A copy of this staff report, including a list of all recommended zoning conditions, is sent to the applicant and owner of the property in question prior to the public hearing.

Conditions:

Planning:

1. The landscape strip extending between entrances to site along Blue Ridge Drive shall consist of primarily evergreens to screen the loading dock at rear of existing building. Width of the landscape strip may vary dependent upon site conditions.
2. In lieu of a full width landscaping strip along Riverwatch Parkway Extension & Blue Ridge Drive, a reduced width strip is permitted. Every effort shall be made to include innovative landscaping techniques to provide landscaping for the site. Staff shall be consulted on design prior to submittal of landscaping improvement plan.
3. Upon completion of Riverwatch Parkway Extension or completion of GDOT cure plan improvements, whichever is sooner, a landscaping plan showing required improvements as put forth in Section 90-140 and including adopted conditions, shall be submitted to Columbia County for approval.



VARIANCE

February 4, 2016

FILE: VA16-02-02

Variance

Comments:

Fire Marshal:

To comply with applicable fire codes.

Planning:

Conditions supplement but do not eliminate other code requirements. In case of conflicts, the more restrictive item shall prevail over the less restrictive item.

Criteria for Evaluation of Variance Proposal:

1. **There are special circumstances or conditions unique to the properties that do not generally apply to the district.**

The widening and extension of Riverwatch Parkway has impacted all properties along Old Petersburg Road, including the subject property. However, due to the location of this site at an intersection and the extensive site work already being performed on the site, this site is impacted more than most by the widening project.

2. **The special circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.**

Applicant still possesses the ability to use the property.

3. **Topographical or other conditions peculiar and particular to the site are such that strict adherence to the requirements of this chapter would cause the owner unnecessary hardship, and would not carry out the intent of this chapter, and that there is no feasible alternative to remedy the situation.**

The property has been made into a peculiar shape due to the widening project and is at a higher elevation than the intersection of Blue Ridge Drive & Riverwatch Parkway. In addition there are extensive modifications proposed to the site at a later date by GDOT that, in staff's opinion, present a hardship for the owner to fully comply with the intent of this chapter. The proposed remedy is to allow for improvements to be completed at a later date.

4. **If granted, the variance shall be in harmony with the general purposes and intent of this chapter, and shall not be injurious to the neighborhood or detrimental to the public welfare.**

The variance with staff conditions will be in harmony with the intent and purposes of this chapter and are not injurious to the neighborhood or detrimental to the public welfare.



VARIANCE

February 4, 2016

FILE: VA16-02-02

Variance

5. **In reviewing an application for a variance, the burden of showing that the variance should be recommended and/or granted shall be upon the person applying for the variance.**

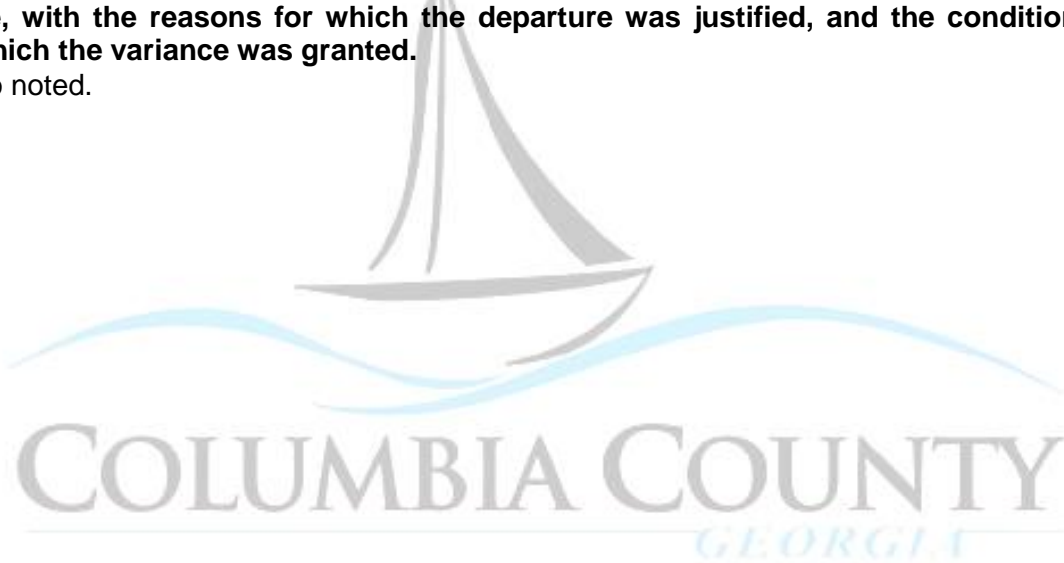
Applicant has provided evidence that a variance to the time line of improvements is acceptable in this case due to the widening project by GDOT.

6. **When recommending a variance, the planning commission, or board of commissioners, when granting a variance, may establish reasonable conditions concerning the use of the property, and may establish an expiration date for such variances.**

So noted.

7. **Any variance recommended and/or authorized is to be set forth in writing in the minutes of the planning commission and the board of commissioners, as the case may be, with the reasons for which the departure was justified, and the conditions under which the variance was granted.**

So noted.





VARIANCE

FILE: VA16-02-01

Variance

Property Information	
Tax Map/Parcel ID	Tax Map 072 Parcel 231C
Address/Location	743 North Belair Road
Acreage (+/-)	4.179 +/- acres
Current Zoning	C-C (Community Commercial)
Existing Use	Under Construction
Request	Variance from Section 90-135 Signs
Commission District	District 1 (Duncan)
Recommendation	Disapproval

Executive Summary:

Owner Cody Erwin and applicant Rachel Rudiger request a variance from Section 90-135 *Signs* for a 4.179+/- acre parcel (Tax Map 072 Parcel 231C) located at 473 North Belair Road to permit two freestanding signs along North Belair Road.

The property is located on the northeast side of North Belair Road, at the T intersection with Evans Town Center Boulevard. The property was zoned C-C (Community Commercial) in 2014 and is surrounded by primarily residential development, with the Marshall Square PUD (Planned Unit Development) located on the opposite side of North Belair Road.

Since the property has one road frontage along North Belair Road, Section 90-135 would limit the number of freestanding signs on the property to one. A sign has been approved for the entrance at the northern end of the parcel; the applicants are requesting a second freestanding sign to be placed at their secondary entrance at the southern end of the parcel. This sign would match that installed at the main entrance, which complies with all County code requirements.

The applicants' preference would have been a single sign in the middle of the property; however the future right of way for the planned roundabout at Evans Town Center Boulevard and North Belair Road prohibited the placement of a sign at the middle of the property. As the two access points to the property are at separate ends of the parcel, the applicants feel the second sign would help increase their visibility to traffic on North Belair Road and help denote the access points for the property. North Belair Road does have a fairly significant curve along the length of this property, and the elevation change is such that the second entrance is largely not visible from the current sign location. However, the applicants have failed to provide sufficient justification for the granting of a variance to the sign code, particularly for a location within Evans Town Center.



VARIANCE

February 4, 2016

FILE: VA16-02-01

Variance

Staff recommends **disapproval** of the request for a variance from Section 90-135 *Signs* for a 4.179+/- acre parcel (Tax Map 072 Parcel 231C) located at 473 North Belair Road to permit two freestanding signs along North Belair Road.

Interdepartmental Review

A copy of this staff report, including a list of all recommended zoning conditions, is sent to the applicant and owner of the property in question prior to the public hearing.

Comments:

Fire Marshal:

To comply with applicable fire codes.

Criteria for Evaluation of Variance Proposal:

1. **There are special circumstances or conditions unique to the property that do not generally apply to the district.**
This property does have a longer than typical road frontage due to being located on a curve and will be impacted by future County road projects.
2. **The special circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.**
Strict application would not deprive the applicant of reasonable use of the land.
3. **Topographical or other conditions peculiar and particular to the site are such that strict adherence to the requirements of this chapter would cause the owner unnecessary hardship, and would not carry out the intent of this chapter, and that there is no feasible alternative to remedy the situation.**
Strict adherence to the requirements of this chapter would not cause the owner hardship.
4. **If granted, the variance shall be in harmony with the general purposes and intent of this chapter, and shall not be injurious to the neighborhood or detrimental to the public welfare.**
The proposal will increase the number of signs along the roadway but will likely not be detrimental to the public welfare.
5. **In reviewing an application for a variance, the burden of showing that the variance should be recommended and/or granted shall be upon the person applying for the variance.**



VARIANCE

February 4, 2016

FILE: VA16-02-01

Variance

The applicant has not met this burden.

6. **When recommending a variance, the planning commission, or board of commissioners, when granting a variance, may establish reasonable conditions concerning the use of the property, and may establish an expiration date for such variances.**

So noted.

7. **Any variance recommended and/or authorized is to be set forth in writing in the minutes of the planning commission and the board of commissioners, as the case may be, with the reasons for which the departure was justified, and the conditions under which the variance was granted.**

So noted.





VARIANCE

February 4, 2016

FILE: VA16-02-03

Variance

Property Information	
Tax Map/Parcel ID	Tax Map 082I Parcel 077A
Address/Location	165 Watervale Road
Acreage (+/-)	0.75 +/- acres
Current Zoning	R-3 (Single Family Residential)
Existing Use	Residential
Request	Variances from Sections 90-53 <i>List of Lot and Structure Requirements</i> and 90-131(5) <i>Street Access Control</i>
Commission District	District 1 (Duncan)
Recommendation	Approval with Conditions

Executive Summary:

Owner and applicant Christopher M Peavler requests variances from Sections 90-53 *List of Lot and Structure Requirements* and 90-131(5) *Street Access Control* for a 0.75+/- acre parcel (Tax Map 082I Parcel 077A) located at 165 Watervale Road to reduce the front and rear setbacks and permit additional driveways for the property.

The property is located on the north side of Watervale Road, off of Stevens Creek Road, and is currently zoned R-3 (Single Family Residential). Surrounding properties are also zoned R-3.

This property was zoned R-3 in 1973 (RZ73-05-01) as part of the planned Watervale development. The property in question was shown on the original plat as being owned by the Watervale community association, presumably as an open space area; the original parcel contained both the subject property and the adjacent property at 169 Watervale Road. These two parcels were created approximately ten years after the recording of the subdivision plat. The recorded plat for these two parcels limits their access to a shared driveway easement centered on the shared property line.

The house was constructed in 1992 and conforms to all setback requirements. However, in 2009 the applicant constructed a shed on the property that encroaches four inches into the required rear setback and encroaches at least five feet into the 25 foot setback shown on the plat. A second shed was constructed in 2014 that encroached eight inches into the rear setback and nearly ten feet into the front setback as shown on the recorded plat. The applicant obtained building permits from the County for both sheds; the correct setbacks were indicated on the permit application for the second shed.



VARIANCE

February 4, 2016

FILE: VA16-02-03

Variance

Two additional driveways have been installed to access the sheds, violating Section 90-131(5)(c) of the Code which limits driveway access along collector roads to one point of access for each 300 feet of road frontage. This parcel has approximately 560 feet of road frontage, which limits the property to one point of access since Watervale Road is classified as a collector road. Additionally, the recorded plat limited access to this property to the shared driveway easement located on the west property line.

The distance between these driveways will also require a variance, as per the Code, where multiple points of access are provided for a property, they must be spaced at least 100 feet apart. The two legs of the circular driveway are approximately 80 feet apart, while the driveways accessing the sheds are essentially adjacent.

Since the sheds were permitted, and the driveway was constructed as a circular driveway prior to the applicant's purchase of the property, the applicant is requesting variances to all of the above requirements to bring the property into compliance with the County code. The site is oddly shaped, which limits the buildable area of the lot and the possible means of access to the sheds; however, with Watervale Road being a collector road, additional consideration needs to be given to setback requirements and aesthetics along this corridor. The applicant has proposed to plant trees along the side and rear of the sheds to screen them from public view, both from Watervale Road and from the adjacent subdivision to the rear of his property. Staff would recommend that additional landscaping be provided along Watervale in front of the applicant's privacy fence, located between the sheds and the existing house, to further screen the property from view.

Staff recommends **approval with conditions** of the request for variances from Sections 90-53 *List of Lot and Structure Requirements* and 90-131(5) *Street Access Control* for a 0.75+/- acre parcel (Tax Map 082I Parcel 077A) located at 165 Watervale Road to reduce the front setback to 65 feet from the centerline (15 feet from the right of way), reduce the rear setback to 9 feet, and permit a total of four driveways for the property with their current spacing.

Interdepartmental Review

A copy of this staff report, including a list of all recommended zoning conditions, is sent to the applicant and owner of the property in question prior to the public hearing.

Conditions:

Planning:

1. Evergreen trees and shrubs must be installed in front of the privacy fence along Watervale Road and on the side and rear of the existing sheds as proposed by the applicant. Plantings may be staggered to create an opaque screen.
2. The proposed landscaping must be installed within 3 months of approval by the Board of Commissioners.



VARIANCE

February 4, 2016

FILE: VA16-02-03

Variance

Comments:

Fire Marshal:

To comply with applicable fire codes.

Planning:

Conditions supplement but do not eliminate other code requirements. In case of conflicts, the more restrictive item shall prevail over the less restrictive item.

Criteria for Evaluation of Variance Proposal:

1. **There are special circumstances or conditions unique to the property that do not generally apply to the district.**

The subject parcel is very long and narrow, limiting the buildable area of the lot. The shape of the parcel also limits the possible means of access to the existing sheds as they have been constructed.

2. **The special circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.**

Strict application would not deprive the applicant of reasonable use of the land.

3. **Topographical or other conditions peculiar and particular to the site are such that strict adherence to the requirements of this chapter would cause the owner unnecessary hardship, and would not carry out the intent of this chapter, and that there is no feasible alternative to remedy the situation.**

Strict adherence to the requirements of this chapter would require the owner to remove the driveways and the sheds and reconstruct sheds that meet the setback requirements. Strict adherence would also require removal of several driveways, which would effectively prohibit vehicular access to the sheds.

4. **If granted, the variance shall be in harmony with the general purposes and intent of this chapter, and shall not be injurious to the neighborhood or detrimental to the public welfare.**

The proposal may be injurious to the surrounding properties. Multiple complaints have been received from residents of Watervale and Barrington regarding the visual intrusion of the sheds in their current location. The proposed provision of additional landscaping should soften this intrusion.

5. **In reviewing an application for a variance, the burden of showing that the variance should be recommended and/or granted shall be upon the person applying for the variance.**

The applicant met this burden.



VARIANCE

February 4, 2016

FILE: VA16-02-03

Variance

6. **When recommending a variance, the planning commission, or board of commissioners, when granting a variance, may establish reasonable conditions concerning the use of the property, and may establish an expiration date for such variances.**

So noted.

7. **Any variance recommended and/or authorized is to be set forth in writing in the minutes of the planning commission and the board of commissioners, as the case may be, with the reasons for which the departure was justified, and the conditions under which the variance was granted.**

So noted.





TEMPORARY USE PERMIT

February 4, 2016

Property Information	
Tax Map/Parcel ID	059 271
Address/Location	202 Torrey Pine Trail
Parcel Size	0.34 +/- acres
Current Zoning	PUD (Planned Unit Development)
Existing Land Use	Residential Development
Request	Temporary Sales Office
Commission District	District 3 (Richardson)
Recommendation	Approval

Summary and Recommendation

Owner Mike Polatty and applicant Keith Lawrence request a temporary use permit for a temporary sales office to be located on the property at 202 Torrey Pine Trail (Tax Map 059 Parcel 271). The property is currently zoned PUD (Planned Unit Development).

The site is part of the Whispering Pines neighborhood, which is currently under construction. The applicants are proposing to relocate the modular building from the Pine Bluff neighborhood to this location and are proposing to install paved parking and sidewalks as well as street trees and landscaping on the property.

The applicant's request does not require an advertised public hearing or review by the Board of Commissioners. If approved, the permit will expire in one (1) year. The temporary trailer must meet all stated setbacks and must have adequate facilities for water and sewerage.

After approval of the Temporary Use Permit request by the Planning Commission, a permit application must be submitted to the Building Standards Division and all inspections will be required in accordance with applicable Code(s).

Staff recommends **Approval** in accordance with the Temporary Use Permit Ordinance.